S.B. Criminal Misc. Bail Application No.2832/2006

Date : 11.07.2006.

**HON'BLE MR. SATYA PRAKASH PATHAK, J.**

Mr. R.S. Gill for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that contraband material 'Poppy Husk' alleged to have been recovered from possession of the applicants is below commercial quantity and no investigation is to be made from the applicants. He further submits that provisions of Section 37 of the NDPS Act are not attracted in the present case. In the last, he submits that the accused applicants are in jail since long and prays that they may be enlarged on bail.

On the other hand, learned Public Prosecutor has

opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants Chinderpal Singh son of Tara Singh (2) Fouja Singh son of Gurdit Singh shall be released on bail in FIR No.300/2006 P.S. Nohar, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(SATYA PRAKASH PATHAK), J.**